

**REMARKS**

The Office Action dated November 16, 2009 has been received and carefully considered. In this response, claims 5, 13, 46, 55, 63, and 68 have been amended to correct typographical errors and antecedent basis issues. Support for the amendment may be found in the specification and drawings as originally filed. Reconsideration of the outstanding rejection in the present application is respectfully requested based on the following remarks.

**Election/Restrictions**

The USPTO has restricted claims 1-5, 7-13, 46-57, 59, 63 and 67-75 of this application into Group I (claims 1-5, 7-13, 46-57, 59, 63 and 67-71), and Group II (claims 72-75).

Applicant elects the claims of Group I (claims 1-5, 7-13, 46-57, 59, 63 and 67-71). However, the restriction is respectfully traversed in order to preserve the issue for subsequent petition since the examination of all of the claims is not believed to create an undue burden on the USPTO and that the subject matter among the groups is not independent and distinct as required by statute. In particular, claims 72-75 provide for processing a first packet based on a selected packet length. Claim 1 provides for processing a first packet based on a selected start code. Applicant respectfully submits that examination of both claim 1 and claims 72-75, does not create an undue burden on the USPTO because each claim generally provides for processing a packet based on a selected protocol characteristic. Furthermore, different classifications as recited by the USPTO are not independent adequate grounds for restriction since the USPTO has historically examined applications containing multiple sets of claims.

In view of the foregoing, Applicant elects the claims of Group I for examination, and requests further consideration and allowance of these claims.

**35 U.S.C. § 112, Second Paragraph Rejection of Claim 63**

At page 5 of the Office Action, claim 63 is rejected under 35 U.S.C. § 112, second paragraph because of an antecedent basis issue. The Examiner is thanked for the courtesy and attention in identifying the issue, and claim 63 has been amended to address the issue.

Accordingly, withdrawal of the Section 112 rejection of claim 63 and reconsideration of the claim is respectfully requested.

**Obviousness Rejection of Claims 1-5, 7-10, 13, 46-54, 57, 59, 63 and 67-70**

At page 5 of the Office Action, claims 1-5, 7-10, 13, 46-54, 57, 59, 63 and 67-70 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Okamoto (U.S. Patent No. 7,280,566) in view of Gentry (U.S. Patent No. 6,356,951). This rejection is hereby respectfully traversed.

Claim 1 recites “selecting a **first start code** from a plurality of available start codes, **the first start code indicative of a type of multimedia stream.**” Claim 46 recites similar features. As explained in the Response to Non-Final Office Action submitted October 13, 2009 (hereinafter, the “Previous Response”), these features are not disclosed or rendered obvious by the cited references. The Office responds at page 11 of the Office Action that Okamoto discloses “a TSID [transport stream identification] code for identifying the format from a plurality of formats that the device can receive.” Applicant respectfully submits that one skilled in the art would not understand a TSID to correspond to the recited “start code” in any manner. In particular, one skilled in the art would understand that a start code identifies the start of a multimedia data stream or a particular layer or type of information within the stream, and would further understand that a TSID does not identify any of these features of the multimedia stream. Instead, a TSID identifies a transport stream type, so that it can be differentiated from other streams. Accordingly, the TSID of Okamoto is not the same as, or equivalent to, the recited start code of claim 1. Further, Gentry also fails to disclose or render obvious a start code. Accordingly, the cited references, individually and in combination, fail to disclose or render obvious at least the above-cited features of claim 1, and the similar features of claim 46.

With respect to independent claim 67, the claim recites “selecting a **set of physical interface parameters** from a plurality of available sets of physical interface parameters.” According to the Office Action at page 6, these features are disclosed by Okamoto at col. 23, lines 18-36 and at col. 23, line 29 - col. 24, line 10. Applicant respectfully submits that the cited portions of Okamoto disclose only that a transport ID can be collected to form a comparison pattern to determine which packets of the stream should be stored. The cited portions do not

disclose selecting a set of physical interface parameters in any manner. Further, Gentry does not remedy the deficiencies of Okamoto with respect to this claimed feature. Accordingly, the cited references, individually and in combination, fail to disclose or render obvious at least the above-cited features of claim 67.

Claims 2-5, 7-10, 13, and 59 depend from claim 1. Claims 47-54, 57, and 63 depend from claim 46. Claims 68-70 depend from claim 67. Accordingly, the cited references, individually and in combination, fail to disclose or render obvious at least one element of each of these dependent claims, at least by virtue of their respective dependence on claims 1, 46, and 67. In addition, these dependent claims recite additional novel elements.

In view of the foregoing, withdrawal of the obviousness rejection of claims 1-5, 7-10, 13, 46-54, 57, 59, 63 and 67-70 and reconsideration of the claims is respectfully requested.

#### **Obviousness Rejection of Claims 11, 12, 55, 56 and 71**

At page 10 of the Office Action, claims 11, 12, 55, 56 and 71 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Okamoto in view of Gentry and in further view of the examiner's official notice. This rejection is hereby respectfully traversed.

Claims 11 and 12 depend from claim 1, claims 55 and 56 depend from claim 46, and claim 71 depends from claim 67. As explained above, Okamoto and Gentry do not disclose or suggest at least one element of each of claims 1, 46, and 67. Further, the Official Notice taken by the Office does not remedy the deficiencies of the other cited references. Accordingly, the cited art does not disclose or suggest at least one element of these dependent claims, at least by virtue of their respective dependence on claims 1, 46, and 67. Further, these dependent claims recite additional novel elements.

In view of the foregoing, withdrawal of the obviousness rejection of claims 11, 12, 55, 56, and 71 and reconsideration of the claims is respectfully requested.

#### **Conclusion**

The Applicants respectfully submit that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is

respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-3797.

Respectfully submitted,

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Date